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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/693,861 | 10/28/2003 | Friedrich Oswald | 483p2 | 4085 |

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EXAMINER

HOWELL, DANIEL W

ART UNIT

PAPER NUMBER

3722

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/693,861 | Applicant(s) OSWALD, FRIEDRICH | |
| | Examiner Daniel W. Howell | Art Unit 3722 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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1. One of the periods should be removed from the end of claim 8.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6-8, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by UK 2,234,697. Figure 1 shows three pipe guiding grooves/apertures 32, 31, 30, which are concentric about the center of wall 28, such that pipes of different diameter may be chamfered. As seen in figure 4, the right side of wall 14 will serve as a stop, and the v-shaped blades 21a, b, extend rightward in front of the stop wall by a predetermined distance. Blade 20 is rectangular in shape. Note pipe guiding surfaces 28, 24, 22.
4. Claims 1, 2, 8, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Wartluft et al (5,853,272). Figures 3 and 4 show apertures 44, 62, which are concentric and designed to accept pipes of two different diameters. As seen in aperture 62 of figure 4, the v-shaped blade 52, 54, is spaced slightly from the bottom of cavity 62, the bottom serving as a stop surface.
5. Claims 1-4, 6, 8, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Singer (4,274,770). Body 15 has concentric apertures 37, 38, each having a chamfering blade and an offset stop surface 35, 34.
6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Beauloye (3,661,472). Body 10 has an aperture 14, blade 44, and offset stop surface 22. See the phantom line in figure 3 for the offset.

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7. Claims 1, 2, 7-10, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Goldner (4,586,408). Body 13a, b, has three annular apertures 22, 31, 32, of different diameters to receive different pipes. Each aperture has a blade, such as at 14, which sticks above the bottom/stop surface of the annular groove in order to chamfer the pipe. At the least, the annular body portion extending between grooves 31, 32, is a pipe guide.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over UK '697. It is considered to have been obvious to have made the blade 20 as a square, as a square is also a rectangle, and the shape of the blade having the v-notch does not affect the operation of the device.

10. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Any inquiry concerning the content of this communication from the examiner should be directed to Daniel Howell, whose telephone number is 571-272-4478. The examiner's office hours are typically about 10 am until 6:30 pm, Monday through Friday. The examiner's supervisor, Derris Banks, may be reached at 571-272-4419.

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In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office actions directly into the Group at FAX number 703-872-9306. On July 15, 2005, this FAX number will change to 571-273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Daniel Howell of Art Unit 3722 at the top of your cover sheet.

A handwritten signature in black ink, appearing to read 'Howell', with a stylized, cursive script.

Daniel W. Howell
Primary Examiner
Art Unit 3722